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Promotion and protection of all human rights, civil, political, economic, social and cultural rights, including the right to development

Written statement* submitted by Amnesty International, a non-governmental organization in special consultative status

The Secretary-General has received the following written statement, which is hereby circulated in accordance with Economic and Social Council resolution 1996/31.

[26 February 2018]

* This written statement is issued, unedited, in the language(s) received from the submitting non-governmental organization(s).

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DEFENDING THE RIGHTS OF PEOPLE ON THE MOVE

Amnesty International welcomes the report of the Special Rapporteur on the situation of human rights defenders in relation to those acting to defend the rights of all people on the move.1

Attacks on those defending the rights of people on the move have become more commonplace in recent years in the current climate of increasingly negative discourses surrounding migrants, refugees, internally displaced people and stateless people.

Human rights defenders working on the rights of people on the move face the same range of restrictions and attacks as other human rights defenders who experience intersecting forms of discrimination and structural inequality. These range from threats, physical attacks, smear campaigns, stigmatization and harassment through the misuse of the justice system.2 As the Special Rapporteur on the situation of human rights defenders highlights in his recent report: "these defenders, many of whom are themselves people on the move, face a constellation of challenges, arising from both some of the disturbing features of global migration policy and the general trend towards the closing of civic space to human rights defenders".[3]

Amnesty International released its 2017 Annual Report on 22 February 2018. The report highlights grave human rights violations of refugees, migrants and stateless people including those who defend their rights.4

In Mexico, for example, where a record number of asylum applications mostly from Central Americans fleeing violence were received last year, we saw the repeated failure to provide protection to those who need it, human rights defenders providing humanitarian support to migrants and refugees have been subjected to unfounded criminal proceedings and have faced violent retaliation by organized criminal groups.5

The statelessness crisis in the Dominican Republic continues to affect tens of thousands of people of Haitian descent who have been retroactively and arbitrarily deprived of their nationality. In this context, those defending the rights of stateless people are frequently harassed and intimidated, and have been target of smear campaigns.[6]

In countries in Africa, including in Somalia and Central African Republic, protracted conflicts along with recurring humanitarian crises and persistent human rights violations, millions have been forced to flee their homes in search of protection. Millions of refugees hosted by African countries are still facing widespread human rights abuses and have been inadequately supported by the international community.

The dramatic human rights violations and crimes against humanity committed by the security forces against the Rohingya population in Myanmar have forced hundreds of thousands to flee their homes and face uncertain and often violent futures. Two journalists investigating military operations in Rakhine state were arrested last year.7

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1 UN.Doc. A/HRC/37/51, available at http://ap.ohchr.org/documents/dpage_e.aspx?si=A/HRC/37/51

2 See Amnesty International's reports from 2017 on violations and abuses against human rights defenders globally available at https://www.amnesty.org/en/documents/act30/7270/2017/en/ and https://www.amnesty.org/en/documents/act30/6011/2017/en/

3 UN.Doc. A/HRC/37/51, para. 3.

4 See https://www.amnesty.org/en/documents/POL10/6700/2018/En/

5 See https://www.amnesty.org/en/documents/amr41/7602/2018/en

6 See https://www.amnesty.org/en/documents/amr27/4901/2016/en/

7 See https://www.amnesty.org/en/latest/news/2018/01/myanmar-reuters-journalists-must-be-released/ and https://www.amnesty.org/en/latest/news/2018/02/un-security-council-must-halt-disastrous-march-of-myanmars-ethnic-cleansing-of-rohingya/

Human rights defenders and NGOs defending the rights of those on the move in Europe have also faced campaigns of harassment and intimidation. NGOs who perform search and rescue operations in the Central Mediterranean have been the object of smear campaigns. A new code of conduct adopted by the Italian authorities imposes undue restrictions to the work of these organizations.[8]

In February 2018, a new legislative package tabled to the Hungarian Parliament requires organizations to get national security clearance and a government permit for those that "support migration". Under this legislation, the government would identify NGOs which it deems are 'supporting migration' and NGOs would require to obtain the authorization of the Minister of Interior to perform their activities, which according to the proposal would include campaigning, 'influencing courts', preparing information materials, organising networks and recruiting volunteers with the goal of sponsoring, organising or otherwise supporting the entry and stay of people seeking international protection.9

In the Middle East and North Africa, migrant workers continue to face exploitation and abuse and those defending their rights have been threatened and intimidated. We have seen a deterioration of the crisis in Libya, where migrants and refugees are facing widespread and systematic human rights violations. Up to 20,000 refugees and migrants are held arbitrarily and indefinitely in overcrowded unsanitary detention centres, exposed to torture, rape, forced labour, extortion and unlawful killings at the hands of the authorities and militias who run the centres.10

As stated in the Special Rapporteur's latest report, "[t]he challenges that defenders of people on the move face arise within a broader phenomenon of shrinking space for civil society. [However] certain features of the shrinking civil society space pose particularly large challenges for people on the move and defenders working on their behalf."

The Special Rapporteur has highlighted the characterization of defenders as "foreign agent" that "plays into the discourse that people on the move and their allies represent a seditious threat. [...] Similarly, foreign funding rules often restrict people on the move of access to their own or other resources abroad". Furthermore, the report notes that "in the context of the present report, people on the move as defenders of their own rights have long been denied a right to any speaking position, excluded from political discourse as outsiders and non-citizens. They continue to face threats and violence far in excess of that faced by their supporters and allies. Civil society space has not only shrunk but is nearly closed for people on the move seeking to defend their rights".11

Recommendations to the 37th Human Rights Council

2018 marks the 20th anniversary of the adoption of the Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms. In this context, Amnesty International urges the Human Rights Council to:

1. Reaffirm that protecting human rights is necessary for individuals to live in dignity, and that deepening respect for these fundamental freedoms lays the foundation for stable, safe and just societies;

2. Comply with the recommendations[12] made by the Special Rapporteur on the situation of human rights defenders in his recent report on the situation of those who defend the rights of people on the move, to

8 https://www.amnesty.org/en/documents/eur30/6152/2017/en/;
https://www.amnesty.org/en/documents/eur03/6655/2017/en/; http://www.amnesty.eu/en/news/press-releases/all/eu-draft-code-for-sea-rescues-threatens-lives-1057/#.WhheWVV1_IU

9 https://www.amnesty.org/en/latest/news/2018/02/hungary-new-law-poses-existential-threat-to-ngos/

10 See Amnesty International's reports from 2017 on violations and abuses against human rights defenders globally available at https://www.amnesty.org/en/documents/act30/7270/2017/en/ and https://www.amnesty.org/en/documents/act30/6011/2017/en/

11 See UN Doc. A/HRC/37/51, paras. 23-25, for the full set of recommendations by the Special Rapporteur on the situation of human rights defenders

12 UN.Doc. A/HRC/37/51, pages 17-19.

particular:

a. Take all necessary measures to protect the right to life, liberty and security of people on the move and those who defend their rights;

b. Support the legitimate work done by human rights defenders of people of the move and publicly recognize the role they play in the advancement of human rights.

c. Enable people to promote and defend human rights regardless of their immigration status, including enabling them to exercise their right to freedom of expression, association and peaceful assembly.

d. Ensure that human rights defenders who have been forced to flee their country of origin have the right to seek asylum, and are not returned where they can face serious human rights violations including persecution.

e. Ensure that human rights defenders providing humanitarian assistance to people on the move are not criminally prosecuted or otherwise punished.

f. Ensure that human rights defenders of people on the move can easily access national protection mechanisms and other measures to guarantee their security.

Ensure that visa regimes and other policies and practices do not undermine temporary international relocation initiatives for human rights defenders and fully operationalize polices that provide for humanitarian visas for human rights defenders.